

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ERIC R. BAHE, Custodian, CGM Roth  
Conversion IRA,

Plaintiff,

v.

FRANKLIN/TEMPLETON DISTRIBUTORS,  
INC., and WILLIAM J. LIPPMAN,

Defendants, and

FRANKLIN BALANCE SHEET INVESTMENT  
FUND,

Nominal Defendant.

Civil Action No. 04-11195 (MLW)

**PLAINTIFF'S RENEWED MOTION FOR APPROVAL  
OF THE PARTIES' STIPULATION OF DISMISSAL**

Pursuant to this Court's September 8, 2006 Order, Plaintiff, Eric R. Bahe, Custodian, CGM Roth Conversion IRA, respectfully submits this renewed motion for approval of the parties' stipulation of dismissal of this action with prejudice to the Plaintiff, Eric R. Bahe, Custodian, CGM Roth Conversion IRA, and without prejudice to the Nominal Defendant Franklin Balance Sheet Investment Fund and any shareholders of the Franklin Balance Sheet Investment Fund other than the Plaintiff, Eric R. Bahe, Custodian, CGM Roth Conversion IRA. In support of this motion, Plaintiff submits the accompanying memorandum of law and Declaration of Carmen Iguina.

A proposed order is submitted herewith.

Dated: October 30, 2006

Respectfully submitted,

Plaintiff Eric R. Bahe  
by his Attorneys,

/s/ Edward F. Haber

Edward F. Haber (BBO No. 215620)  
Shapiro Haber & Urmy LLP  
53 State Street  
Boston, MA 02109  
Tel: (617) 439-3939

Robert C. Schubert, Esq.  
Juden Justice Reed, Esq.  
Schubert & Reed LLP  
Three Embarcadero Center  
Suite 1650  
San Francisco, CA 94111  
Tel: (415) 788-4220

**Certificate of Service**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the 30th day of October, 2006.

/s/ Edward F. Haber

Edward F. Haber